



08-10-03

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Express Mail No.: EV335856560US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: John Henits

Confirmation No.: 1565

Serial No.: 09/324,459

Art Unit: 2642

Filed: June 2, 1999

Examiner: Tieu, Benny Quoc

For: SYSTEM AND METHOD FOR
MULTI-STAGE DATA LOGGING

Attorney Docket No.: 8740-031

COVER LETTER FOR INFORMATION DISCLOSURE STATEMENT

RECEIVED

SEP 04 2003

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The enclosed Information Disclosure Statement is directed to references listed in a Supplementary European Search Report dated 19 May 2003.

For the convenience of the Examiner, applicant has listed below the references cited in the enclosed Search Report that are already of record in this case (and thus not listed on the enclosed Form 1449), along with the date on which each reference was submitted:

Reference	Date Submitted in IDS
WO 98 39901 A	March 8, 2003
EP 0 642 250 A	March 8, 2003
WO 91 08572 A	March 8, 2003
US 4 630 261 A	September 8, 1999
EP 0 822 696 A	September 8, 1999
US 5 535 261 A	March 8, 2003
US 4 573 140 A	July 3, 2002

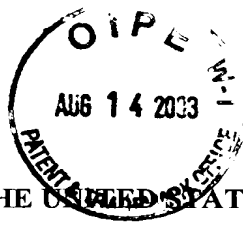
This Information Disclosure Statement would have been deposited with the USPS on August 14, 2003, but for the interruption in Express Mail service caused by the August 14-15 blackout in the Northeast (see enclosed Notice).

Respectfully submitted,

Date: August 18, 2003

Steven D. Underwood (47,205) 38,704
for Kenneth L. Stein (Reg. No.)
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Receipt
date
granted
is August 14,
2003.
Jani Y. Choy
from OPLA



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Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.

1b. A legible copy of:

☒ Each U.S. patent application publication and U.S. and foreign patent;

☒ Each publication or that portion which caused it to be listed on the PTO-1449;

☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;

☐ all other information or portion which caused it to be listed on the PTO-1449.

1c. ☒ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.

1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;

☐ Before the mailing of the first Office action on the merits;

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NY2: 1456288.1

☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.

3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:

☐ enclosed

☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

☐ enclosed.

☒ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☒ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

5a. ☒ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.

6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. _____, filed on _____, of which this application claims priority under 35

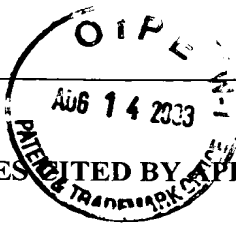
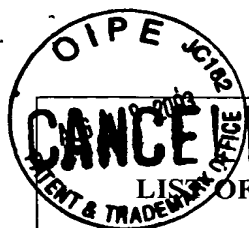
U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).

- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check Item 7a)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on . A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on .
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor is a representation made that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).
11. ☒ This Information Disclosure Statement would have been deposited with the USPS on August 14, 2003, but for the interruption in Express Mail service caused by the August 14-15 blackout in the Northeast (see enclosed Notice).

Respectfully submitted,

Date: August 18, 2003

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For Kenneth L. Stein (Reg. No.)
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1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

**CANCELLED****LIST OF REFERENCES CITED BY APPLICANT**

(Use several sheets if necessary)

ATTY DOCKET NO.

8740-031

APPLICATION NO

09/324,459

APPLICANT

John Henits

FILING DATE

June 2, 1999

GROUP

2642

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,513,312	30 APR 1996	Loebig			
	AB	5,392,329	21 FEB 1995	Adams et al.			
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
	AJ	EP 0 978 983 A2	9 FEB 2000	EPO			YES	NO
	AK	EP 0 978 983 A3	30 JAN 2002	EPO				
	AL	WO 98/18283 PCT/CA97/00268	30 APR 1998	PCT				
	AM	WO 97/15007 PCT/GB/02528	24 APR 1997	PCT				
	AN	WO 99/21336 PCT/GB97/02850	29 APR 1999	PCT				
	AO							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AP	Supplementary European Search Report re EP app. no. 00938130, dated 19 MAY 03
	AQ	"Hicom Nicelog V7.5," retrieved from Intenet: http://www.siemens.ie/enterprise/apps_solns/pdf/Nicelog.pdf
	AR	"CR-500 Series, Advanced Magneto Optical and DAT Communication Recorders," retrieved from the Internet: ftp://ftp.teac.co.jp/pub/ipd/pdf/English/CR-500E.pdf

EXAMINER**DATE CONSIDERED**

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.